

REMARKS/ARGUMENTS

The present Amendment is responsive to the non-final Office Action mailed July 10, 2007 in the above-identified application.

Claims 5-14 and 16-23 are withdrawn from examination at this time pursuant to an election made in response to a Restriction Requirement. Accordingly, claims 1-4 and 15 are the claims currently presented for examination.

Claims 1-4 are amended to clarify features recited thereby.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statements filed on December 30, 2004 and August 25, 2005.

The present application is a Section 371 application of PCT/CH03/00416 filed on June 25, 2003 which claims priority from Swiss Application No. 1172/02 filed on July 4, 2002. The Examiner is respectfully requested to acknowledge the claim for foreign priority and the receipt of the priority document in the next Office Correspondence.

Rejection of Claim 3 under 35 U.S.C. § 112, Second Paragraph

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph on the ground that it is indefinite because it recites the phrase "a lever-like manner" with respect to the lever element of the pocket knife.

Applicant respectfully submits that a person of ordinary skill in the art would have readily understood what a lever element's movement as part of "a lever-like manner" transmission of the weight would mean in view of Applicant's disclosure, see, for example, Applicant's disclosure Fig. 3.

However, to expedite prosecution of the present application, claim 3 is amended.

Rejection of Claims 1-3 and 15 under 35 U.S.C. § 102

Claims 1-3 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Franz Xaver Troemer, German Patent No. 479,802. Reconsideration of this rejection is respectfully requested.

Claim 1 requires a pocket knife for measuring a weight of a suspended load, comprising a weighing element foldable out of the body, the weighing element being configured to receive the load and to transmit to the measuring sensor the weight of the load.

Troemer discloses a pocket knife with a mounting arm or hanger *e* which can be pivoted

up from the pocket knife about axis *a*. A needle *d*, located on the mounting arm or hanger *e* at an opposite end from mounting ring *f*, points to scales *i* and *k* in response to the weight. Further, Troemer discloses that the free end *b* of the pocket knife is designed as a clamping means so that for instance a letter *q* can be clamped in at segment *b* so that it may be weighed. Element *e* is described as a "freispielendes Gehänge," a freely clearing hanger from which the pocket knife may be suspended.

The Office Action misidentifies as the weighing element of claim 1 the mounting arm or hanger *e* of Troemer (Office Action, page 3). As discussed, Troemer discloses that weight *q* to be weighed is affixed or mounted near axis *n* at one end *b* of the pocket knife. Accordingly, Troemer does not disclose or suggest an out-folding weighing element that is configured to receive the load and to transmit to the measuring sensor the weight of the load, as required by claim 1.

Claims 2, 3 and 15 depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the application are respectfully requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON **OCTOBER 10, 2007**.

RCF/GB:ns

Respectfully submitted,



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